

State of Michigan
MIDLAND COUNTY PROBATE COURT
FORTY-SECOND CIRCUIT COURT - FAMILY DIVISION

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Presiding Probate & Juvenile Judge

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**Michigan Senate Testimony on Senate Bills 405 to 408 aka Truancy Bills
Honorable Dorene S. Allen, Midland County Probate & Juvenile Court Judge**

April 13, 2016

Thank you Chairman Senator Emmons and members of this Committee.

My name is Dorene S. Allen and I appear today on behalf of the Michigan Probate Judges Association (MPJA). I am the presiding probate and juvenile judge in Midland County and have been on the bench for 16 years now.

I have provided a packet of information to this committee which includes a letter from Justice Maura Corrigan, Former Director of the then Department of Human Services. She wanted to be here today but is in Washington DC where she continues to work on behalf of juvenile justice and child protection issues. So, she extends her regret at not being able to be here, but also is clear that this is legislation that she very much supports.

I would like to provide three statistics as background for my testimony. (1) Michigan ranks 37th in the United States in high school graduation rates with grossly different graduation rates between white and black youth, economically disadvantaged and disabled. (2) 49% of our prisoners at the Department of Corrections have no high school diploma or GED. (3) 72% of Michigan inmates read at less than a third grade level. These bills will help Michigan make a start on changing those numbers.

The roots of truancy start at a very young age. Many times the reasons for a child being truant are not in the child's control. There is in fact the misperception that truancy is a 16 year old hanging out on the corner who is just "skipping" school. We know that it starts much earlier than that. Not going to school in fact often starts in elementary school. Instead, most truancy is the result of circumstances kids can't control such as a chaotic or abusive home environment, they are babysitting younger siblings, they don't have a coat or shoes, or they are being bullied. Also, there is the mom who doesn't have enough gas money to go to both work and school; there is no running water or electricity. And we all know that there is a huge increase in homelessness across our state. The proposed changes to the law are meant to address what actually causes the children to miss school in the first place so that we can enable them for long-term success. This is an issue that touches the lives of all of our children. If we don't address truancy effectively, the prognosis for the child's future becomes bleaker and bleaker.

Truancy is a major problem in Michigan. Truancy has been clearly identified as an early warning sign for potential substance abuse, delinquency, teen pregnancy, and dropping out of school. The key focus of this legislation is to keep kids in school and as a result of that, out of the justice or legal system. This is a very simple premise and goal. However, Michigan has no state-wide definition of truancy. In addition, there is no guidance statutorily to the response when truancy does happen. The variance throughout the state is quite startling. These laws look to change that.

Michigan already has the resources in place that can effectively address truancy. But a legal framework is badly needed. This will NOT add layers to this process but rather allow all of the various organizations to work more effectively. We have worked closely with the Department of Education and the Center for Educational Performance and Information, or CEPI, regarding implementation. It is our understanding that the framework already exists to implement this legislation by way of public reporting – there would not be the need for new computer software. In fact as a result of this legislation the School Code would “talk” with the Juvenile Code. The definitions will be the same both places and there will be an ability to move effectively between both arenas of schools and the justice system.

The key concepts of this legislation are truancy and chronic absenteeism. The laws proposed recommend defining a truant as a child/youth who misses school for 10 days. Further, there is a graduated set of interventions for the child and the parents to avoid getting to that point. The goal is to keep kids in school and not have to go to the final step of consequences: the court petition with court involvement. There is also a definition of chronic absenteeism – missing 10% of the days in school. There is solid research that a child missing school for greater than 10% of the time is compromised as far as education and therefore graduation.

The bottom line is that if we don't address these very basic issues, then the fallout for Michigan is truly a tragedy. That fallout is the cost of dealing with a child who ends up in the justice or legal system and often our prisons.

But even more importantly, the cost is the waste of a child's future.

The legislation will work. It has been vetted by the Department of Health & Human Services and the Department of Education. We have had a robust state-wide Initiative – a summit in 2013, a series of state-wide meetings of the county teams in 2014, a follow up conference in 2015 and another planned for November, 2016. These teams are made up of multi-disciplinary collaborative agencies and individuals. Schools, law enforcement, DHHS, mental health, faith community, foundation community and the courts are involved in a truly collaborative cross disciplinary action. The participation has been extensive and spans the entire state. There are more than 800 people from across the state devoting their efforts to this School-Justice Partnership. The reason is simple: this is a state-wide issue that is very frustrating at the front lines. In really an unprecedented collaboration – where all these stakeholders sit down for their county across the table from one another -- they talk about what to do about this problem and are acting on the problems with wonderful success stories. These county teams are your counties – they come from every area in the state -- urban, suburban and rural. And they have all said the same thing: this is a problem and we need the solutions that are offered by this legislation.

The county teams have been so impressive. They have been taking off and actually using this proposed legislation as the template for their work in their own counties.

The question that gets asked is whether correcting truancy -- keeping kids in schools -- impacts academic achievement. I would like to talk about one of our elementary schools in Midland County. We were able to implement what was a "community school model" at Eastlawn Elementary. It has since been put under the umbrella of the Pathways to Potential program at DHHS. This is one of our city elementary schools and we were fortunate to be able to implement in 2013. This is a school at that point with a 68% poverty level. In 2014 the poverty level in the school actually increased to 73%

In the first year of the program, there was a 31% decrease in truancy of five or more absences. There was a 51% decrease with students with 8 or more absences. The second year saw another 23% decrease.

That is all well and good but what about academic performance -- especially with an increase in the poverty of the children in the school? In 2014 Eastlawn's Michigan Educational Assessment Program (MEAP) scores increased an average of 35%. In 2015 there was a release of rankings of schools across Michigan. 1,210 schools were evaluated with similar demographics of academic achievement in relation to family income of the students. Eastlawn was ranked 44th overall -- in the top 5%.

It is quite extraordinary that there is an **increase in poverty** along with an **increase in academic achievement**.

Most recently, in February of 2016 in an evaluation by the Mackinac Center for Public Policy, they issued a Michigan Context & Performance Report Card for Elementary and Middle Schools. Eastlawn Elementary was the only Midland County school to get an "A". The Superintendent of Midland Public Schools attributed the success and improvement to the cooperation between the schools, DHHS, mental health and the courts.

This is a model that works. And, this is a part of the solutions offered by this legislation.

I would ask on behalf of MPJA that this legislation be supported as the tool that it really is -- a template for the success of our children and our state. Michigan Judges Association (MJA) circuit court judges support this legislation pending a ratification vote they have on April 19, 2016. Thank you so very much for holding this committee hearing and your attention to this problem within our state.

Hon. Maura Corrigan
880 Bishop Road
Grosse Pointe Park, MI 48230

October 15, 2015

Senator Phil Pavlov
Chair, Senate Education Committee
905 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

Re: Senate Bills 405-408 (Truancy Bills)

Dear Senator Pavlov:

I write in strong support of these bills to tackle the so-called "school-to-prison" pipeline. The bills address truancy and chronic absenteeism by defining those terms and creating graduated interventions instead of the extreme sanctions of suspension and expulsion. You will recall that Judge Dorene Allen and I previously testified about this problem in late 2014.

For some time, I have been concerned about the school-to-prison pipeline. As you know, some young people may either drop out of school or they are expelled, sometimes because of zero tolerance laws. Too many of these school dropouts then end up in prison. Staying in school would help these young people succeed and keep them out of the criminal justice system. Michigan must improve its poor high school graduation rate. Our goal: every student who enters high school graduates.

If Michigan's comeback is to continue, our young people must become productive citizens who use their God-given talents. They cannot do this if they do not complete high school. And, of course, they cannot make Michigan a better place if they wind up in prison. In 2012, 49 percent of prisoners who entered the Michigan Department of Corrections had no high school diploma or GED. How tragic. How preventable!!

In the wake of terrible tragedies like Columbine, federal zero-tolerance school discipline laws were adopted. While we must protect students and teachers from violence, expelling troubled youth for minor offenses is wrong. When we remove them from school, the only place in their young lives that provides some stability, they have too much free time and get in more trouble.

Please use your considerable power to stop extreme sanctions for minor offenses. For example, it makes no sense to expel students for excessive truancy. We need remedies and solutions, not punishment.

Hon. Maura Corrigan

October 15, 2015

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Moreover, data shows that suspensions and expulsions disproportionately affect African-American students. This is unacceptable.

I strongly support these bills. I would be pleased to answer any questions.

Sincerely,

Maura Corrigan

MC/jw

cc: Senator Tonya Schuitmaker
Senator Judy Emmons
Judge Dorene Allen

**42ND CIRCUIT COURT
FAMILY DIVISION**

OCT 19 2015

MIDLAND COUNTY

Truancy FAQs

What is wrong with our current truancy laws?

Michigan has no standard definition for chronic absenteeism or truancy for schools. As a result, rules vary from district to district, there is insufficient accounting of missed seat time, and students are often suspended or expelled without ever addressing what causes them to miss school in the first place.

Why should the truancy law be changed?

Punishing students who fail to come to school by sending them home is counterproductive and contributes to lower graduation and higher delinquency rates.

Elementary school students who miss school are more likely to struggle academically and eventually to drop out of school altogether. The decision to drop out is a dangerous one for the student. Dropouts are much more likely than their peers who graduate to be unemployed, living in poverty, receiving public assistance, in prison, unhealthy, divorced, and single parents with children who drop out from high school themselves.

Our communities and nation also suffer from the dropout epidemic due to the loss of productive workers and the higher costs associated with increased incarceration, health care and social services.

What will the changes mean for schools?

The proposed legislation would define "chronic absenteeism" and "truancy," which are now categorized differently and treated differently from district to district. Schools would have consistent definitions and guidelines for dealing with truant students with preventative and corrective measures so that the response to skipping school is not just sending students home, where they miss even more class time.

What are the benefits to changing these laws?

When people think of truancy they think of kids making a decision to run with the wrong crowd. Instead, most truancy is the result of circumstances the kid can't control such as they are babysitting younger siblings, they don't have a coat, or they are being bullied.

Please see the attached Attendance Matters article provided by our Dickinson County team listing the top ten reasons kids miss school. The proposed changes to the law are meant to address what actually causes the children to miss school in the first place so that we can enable them for long-term success.

Are truancy issues problems in my community?

An estimated 250,000 Michigan youth are not enrolled in school, are not working, and do not have a GED or high school diploma. Michigan ranks 37th in the nation for graduation rates. Of the 8,800 people sentenced to prison in Michigan in 2012, 49% did not have a GED or high school diploma. 72% of Michigan inmates read at less than a 3rd grade level.

Will these changes save my district money?

Every student a district loses is worth roughly \$7,200 in annual per pupil funding. Every prisoner Michigan gains each year costs about \$37,500. An average prisoner spends 4 years in prison costing a total of \$150,000 each. Michigan currently houses more than 400 juveniles less than eighteen years old.

EVERY SCHOOL DAY COUNTS

ATTENDANCE MATTERS – TOP TEN REASONS FOR MISSING SCHOOL

Dickinson County School Attendance Partnership

School staff have heard many reasons why children miss school. The Dickinson County School Attendance Partnership leaders came up with the top ten reasons told by students or parents as excuses for missing school. *See solution ideas written below each reason.*

1. I missed the bus.

Every effort should be made to get up early enough to insure a child is ready for the bus. A back up plan needs to be designed in the event a child misses the bus; i.e., alternative transportation arrangements. Call the school to inquire about transportation assistance. Don't worry if the arrangements make your child late; it is better for your child to arrive late than not attend at all.

2. It was too cold to go to school.

Schools have policies determining safe temperatures for school attendance. If school is in session, the child should be there. Make sure that the child has adequate outer wear for school. If money is an issue, local agencies, such as St. Vincent De Paul and Salvation Army, Clothes Closets, and other sources will assist families in finding adequate coats, snow pants, hats, boots, and mittens as needed. Also, most elementary schools have a surplus of gently-used warm winter outer wear for all children.

3. We took a quick vacation.

Family experts and teachers warn that missing school can place unhealthy stress on a child; for some students trying to catch up on work, while their peers are moving ahead, can be difficult, particularly as students grow older and the workload becomes heavier and more complex. If considering taking your child out of school, teachers and family experts offer the follow guidelines: (1) Know the school policy; (2) Make sure there are no other options; consider— student's age, academic standing and ability to make up work, the length of absence, and the timing of the trip (missing tests, team sign-ups, important events, etc), and try to add some educational benefit to their time away from school. Every effort should be made to schedule family trips, vacations, appointments, etc. when school is not in session.

4. I had a doctor's appointment.

If your child has to go to the doctor for an unexpected reason, by all means take any appointment that is available. If your child is scheduling an appointment,

make the appointment after the end of the school day. Most doctor and dentist offices are open until 5:00 PM.

5. I was too tired, I didn't sleep enough.

Bedtime routines are critical in school aged children. Adequate sleep may involve established "quiet time" throughout the house, removal of distractions; such as, television and electronics, cell phones, and any other activities that interfere with sleep. Exercise, eating healthy foods and going to bed early are important.

6. My brother didn't go, so I had to stay home to help take care of him.

Parents must avoid asking other school aged children to care for siblings at home. Other responsible adults should be sought to oversee children staying home. Babysitting is not your child's job during the school day. School is their job! If you need information on day care resources, check with your school.

7. Our car wasn't working and I couldn't get to school.

Busing is most often available to students outside of walking distance. The schedule and arrangements for busing should be sought on days a car is not available. A back up plan involving asking another driver to take students to school should be developed. Most other adults and parents are happy to assist.

8. I had a stomach ache.

Make sure there isn't any underlying reasons for your child saying they have a stomach ache. Are they really sick, or is something else bothering them? If a child is throwing up or experiencing diarrhea, it would be best to keep them home. Should stomach aches become frequent, the underlying reason may be linked to anxiety or other psychosomatic causes. Medical attention should be sought.

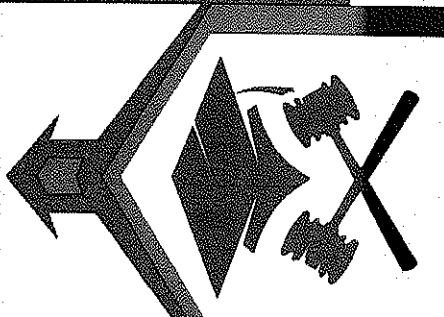
9. I had a high temperature and was throwing up.

This is a very acceptable excuse for missing school. You should not send your child to school if they are truly sick.

10. I thought it was Saturday.

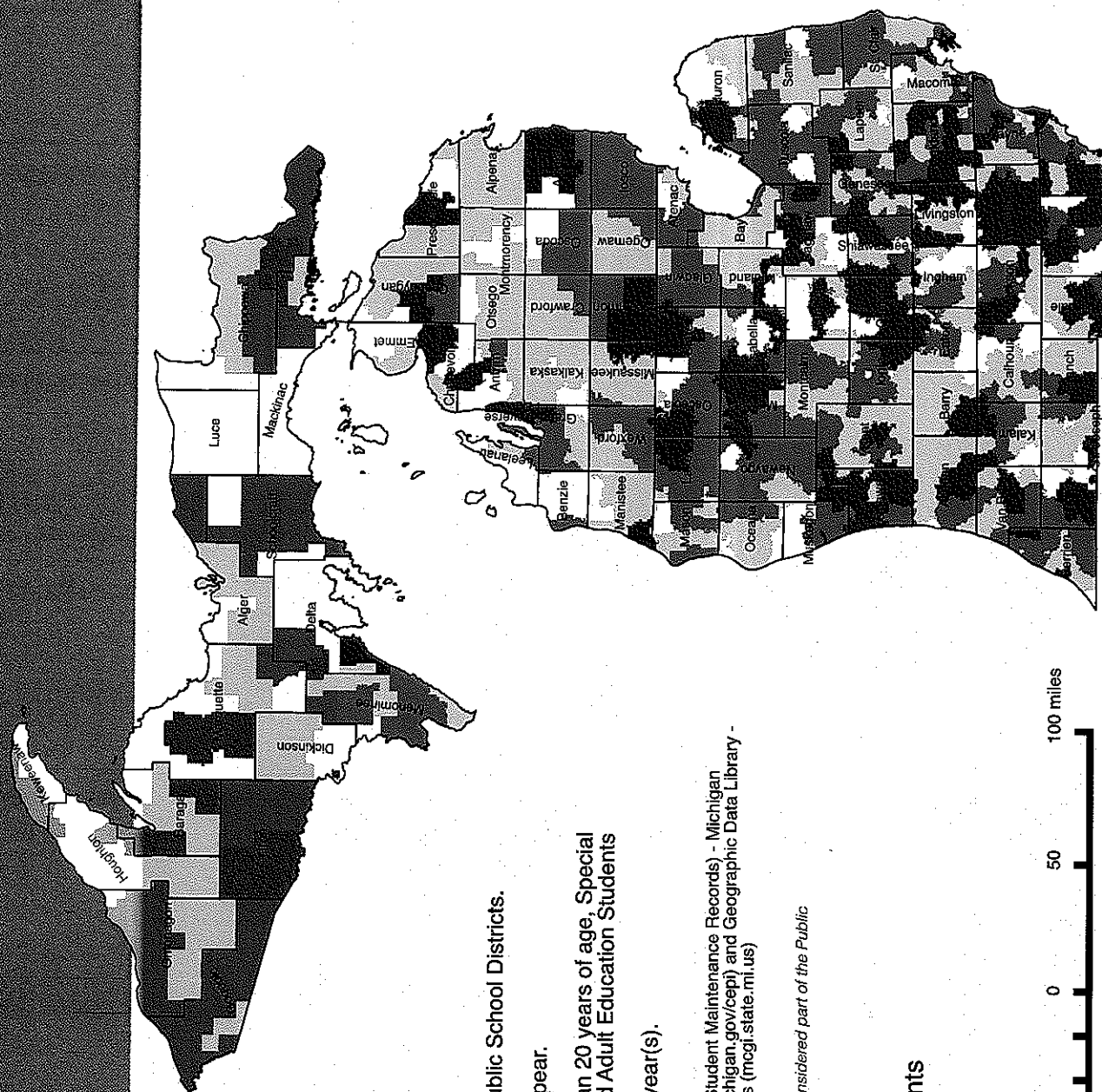
This is right up there with my dog ate my homework! Most families benefit from a family schedule or calendar posted within the home. It is very helpful when families discuss nightly their schedules for the following day.

Remember – Attendance Matters!



MICHIGAN SCHOOL JUSTICE PARTNERSHIP

Justice. School. For All.



Expulsions by Headcount

School Years 2008-2013

Includes reported expulsions in Michigan's Public School Districts.

Only schools who reported expulsion data appear.

Excludes non-Special Ed students greater than 20 years of age, Special Ed students greater than 26 years of age, and Adult Education Students

Fall Pupil Headcount Data for the respective year(s).

Data Source: Michigan Student Data System (including Student Maintenance Records) - Michigan Center for Educational Performance and Information (michigan.gov/cepi) and Geographic Data Library - Center for Shared Solutions and Technology Partnerships (mcgi.state.mi.us)

Note: While the island of Isle Royale in Keweenaw County is considered part of the Public Schools of Calumet, it is omitted from this map for clarity.

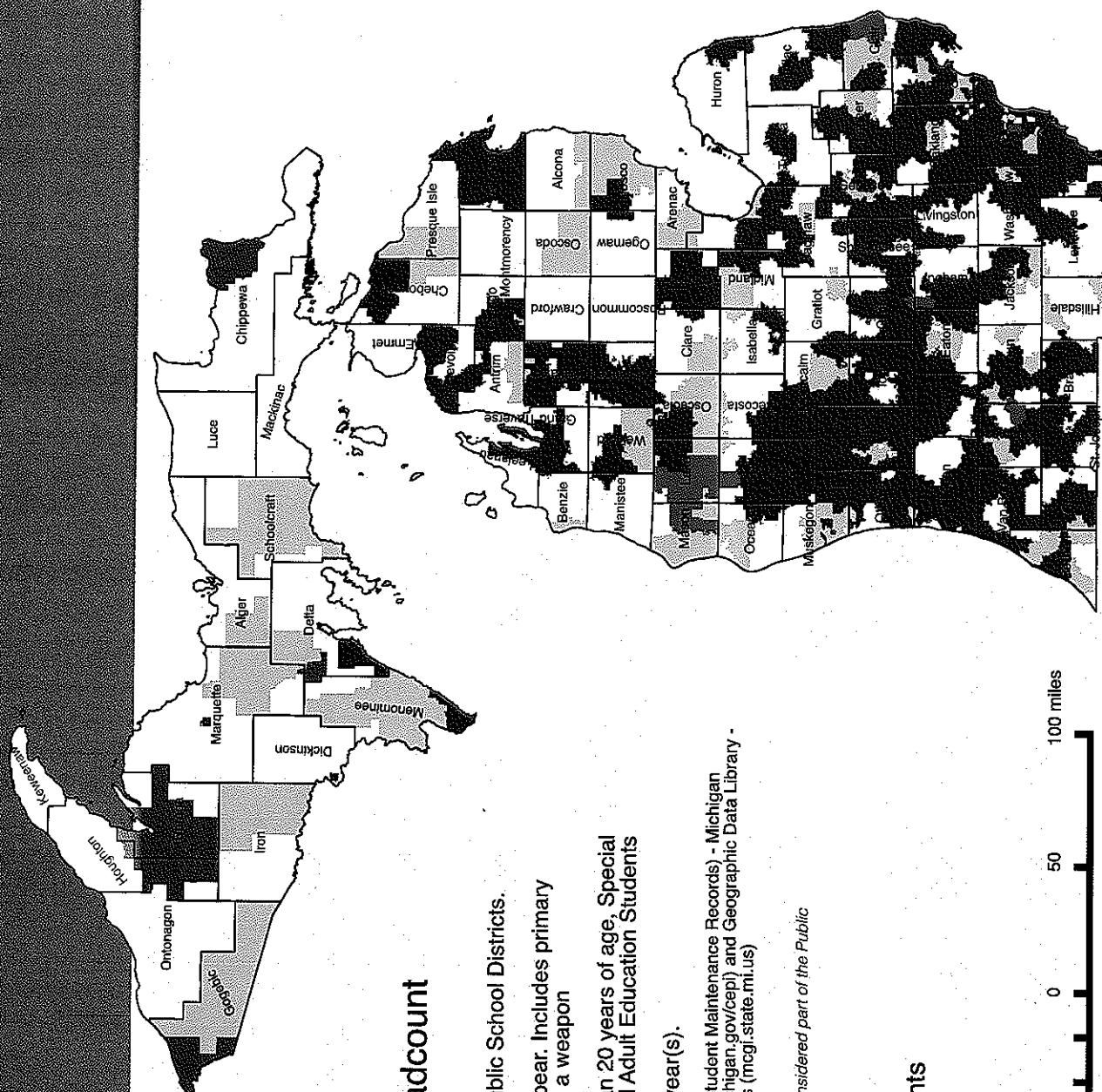
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Expulsions per One Thousand Students





Justice. School For All.



Weapons Expulsions by Headcount

School Years 2008-2013

Includes reported expulsions in Michigan's Public School Districts.

Only schools who reported expulsion data appear. Includes primary expulsion reasons classified as possession of a weapon

Excludes non-Special Ed students greater than 20 years of age, Special Ed students greater than 26 years of age, and Adult Education Students

Fall Pupil Headcount Data for the respective year(s).

Data Source: Michigan Student Data System (including Student Maintenance Records) - Michigan Center for Educational Performance and Information (michigan.gov/cepi) and Geographic Data Library - Center for Shared Solutions and Technology Partnerships (mcgl.state.mi.us)

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Legend

Expulsions per One Thousand Students

